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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/786,169 Confirmation No. : 3465
First Named Inventor : Andreas HAYDEN
Filed : February 26, 2004
TC/A.U. : 3663
Examiner : T. C. To

Docket No. : 080437.53242US
Customer No. : 23911

Title : Method, Device and Computer Product for Updating Data
of a Control Device

RESPONSE TO LACK OF UNITY REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the lack of unity requirement issued on November 30, 2006, Applicant elects claims 8-20 **with traverse**.

Applicant traverses the lack of unity requirement on the grounds that the lack of unity standard is not applicable to the present application. The present application was filed under 35 U.S.C. § 111 claiming priority under 35 U.S.C. § 120 as a continuation of a PCT International Application. As discussed in M.P.E.P. § 1893.03(d),

unity of invention (not restriction) practice is applicable ... in national stage applications submitted under 35 U.S.C. 371. *Restriction practice continues to apply to U.S. national applications filed under 35 U.S.C. 111(a), even if the application filed under 35 U.S.C. 111(a) claims benefit under 35 U.S.C. 120 and 365(c) to an earlier international application designating the United States or to an earlier U.S. national stage application submitted under 35 U.S.C. 371. (emphasis added).*

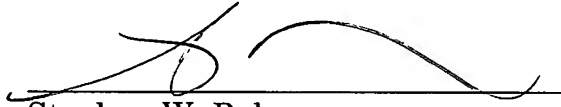
Serial No. 10/786,169
Response Dated: December 14, 2006
Reply to Office Action Mailed: November 30, 2006
Attorney Docket No. 080437.53242US

Since the present application is not a national stage application submitted under 35 U.S.C. § 371, the lack of unity standard is not applicable to the present application, the lack of unity requirement is improper and should be withdrawn.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.53242US).

Respectfully submitted,

December 14, 2006


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